

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Patricia M. Colburn,)
Plaintiff)
v.)
Myles Calvey,)
Defendant)

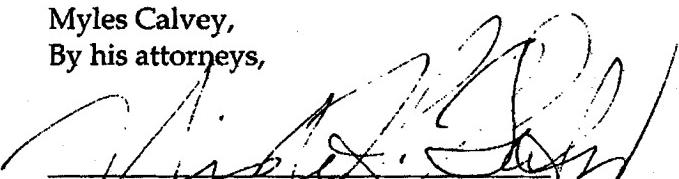
Civil Action No. 04-11784 MLW

MOTION TO DISMISS

Pursuant to Fed. R. Civ. Pro. Rule 12(b)(6), defendant Myles Calvey respectfully moves that the Plaintiff's complaint in the above-captioned matter be dismissed in its entirety for failure to state a claim upon which relief may be granted. As presented in detail in the attached memorandum of law, the Plaintiff's claims are barred by the applicable statute of limitations and Mr. Calvey is not a proper defendant under the claims brought by the Plaintiff.

Respectfully submitted,

Myles Calvey,
By his attorneys,


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Dated:

Aug. 24, 2004